

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
BATESVILLE DIVISION**

**JARELL TERRY
ADC #149998**

PLAINTIFF

v.

No. 1:18-cv-81-DPM

**SAMUEL F. GUILTNER, Corporal,
North Central Unit; and JARED WALKER,
Corporal, North Central Unit**

DEFENDANTS

ORDER

1. Motion to recuse, *No* 79, denied. Adverse rulings do not demonstrate bias. *Ex parte American Steel Barrel Company*, 230 U.S. 35, 43–44 (1913). And Terry hasn't raised any point that reasonably calls into question my impartiality or Magistrate Judge Deere's impartiality. 28 U.S.C. § 455(a).

2. On *de novo* review, the Court adopts Magistrate Judge Deere's 15 January 2020 recommendation, *No* 74, as supplemented and overrules Terry's objections, *No* 81 & *No* 82. The July 2019 recommendation, *No* 53, is declined without prejudice as moot.

In his objections, Terry includes a copy of an August 2018 health services encounter form—presumably to show that he has suffered the kind of long-term injury required to win on his handcuffing claim. The form does show that Terry complained of pain when bending his wrist and putting pressure on it. But it doesn't show that this wrist

issue was caused by Defendant Walker's handcuffing him in June 2018. *Foster v. Metropolitan Airports Commission*, 914 F.2d 1076, 1082 (8th Cir. 1990). Indeed, the form states that Terry denied any trauma to his wrist. That denial, the delayed onset of Terry's wrist problems, and the existence of other possible causes all cloud the causation issue. *Robinson v. Hager*, 292 F.3d 560, 564 (8th Cir. 2002). On this record, no reasonable juror could conclude that Walker's actions caused a lasting injury to Terry's wrist.

The facts, taken in the light most favorable to Terry where genuinely disputed, show that Guiltner and Walker are entitled to qualified immunity. The motion for summary judgment, No 47, is therefore granted. Terry's remaining claims will be dismissed with prejudice. Motions, No 63-64 & No 71-73, denied without prejudice as moot.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

31 January 2020